

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANTHONY TART, individually and on behalf of  
other persons similarly situated,

Plaintiffs,

v.

LIONS GATE ENTERTAINMENT  
CORPORATION, LIONS GATE FILMS, INC. and  
DEBMAR-MERCURY LLC,

Defendants.

**USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: FEB 27 2015**

No. 14-cv-8004-AJN

**CIVIL CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER**

This Civil Case Management Plan (the "Plan") is submitted by the parties in accordance with Fed. R. Civ. P. 26(f)(3).

1. All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial pursuant to 28 U.S.C. § 636(c).
2. Settlement discussions have taken place.
3. The parties have conferred pursuant to Fed. R. Civ. P. 26(f).
4. The Plaintiffs do anticipate moving for conditional certification of this case as a collective action. The Defendants will not stipulate to conditional certification.

Proposed briefing schedule<sup>1</sup>:

**Opening: June 26, 2015**  
**Opposition: July 21, 2015**  
**Reply: July 27, 2015**

5. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within 30 days from the date of this Order.

<sup>1</sup> Please see paragraph 17 for further explanation on the briefing schedule.

6. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than 14 days from the date of this Order.

7. All pre-certification discovery, which shall be limited to discovery relating to the named Plaintiff and Defendants' policies and practices applicable to Wendy Williams interns, is to be completed no later than **June 12, 2015**.

8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines for pre-certification discovery may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing pre-certification discovery set forth in ¶ 7 above.

- a. Initial requests for production of documents shall be served by **April 3, 2015**.
- b. Interrogatories shall be served by **April 3, 2015**.
- c. Depositions shall be completed by **June 12, 2015**.
- d. Requests to admit shall be served by **April 3, 2015**.

Within thirty (30) days after the Court rules on the motion for conditional certification, the parties will meet and confer, and propose a discovery schedule for the second phase of discovery.

9. The parties do not anticipate needing expert discovery during the first-phase of pre-certification discovery.

10. All motions and applications shall be governed by the Court's Individual Rules.

11. All counsel must meet in person for at least one hour to discuss settlement within fourteen (14) days following the close of pre-certification discovery.

12. Counsel for the parties propose the retention of a private mediator as the alternative dispute resolution mechanism for this case. The parties seek this referral now.

Unless otherwise ordered by the Court, settlement discussions do not stay or modify any date in this Order.

13. Summary Judgment and *Daubert* motions are to be filed within 30 days of the close of all discovery. Absent good cause, the Court will not ordinarily have summary judgment practice in a non-jury case.

14. Unless otherwise ordered by the Court, within forty (40) days of the close of all discovery, or, if a dispositive motion has been filed, within fourteen (14) days of a decision on such motion, the parties file via ECF a Joint Pretrial Report prepared in accordance with the Court's Individual Practices and Fed. R. Civ. P. 26(a)(3). Any motions *in limine* shall be filed via ECF at the same time that the Joint Pretrial Report is filed. If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and a verdict form shall also be filed at the same time as the Joint Pretrial Report.

15. The parties shall be ready for trial within two weeks of filing the Joint Pretrial Report.

16. This case is to be tried to a jury.

17. Other issues to be addressed at the Initial Pretrial Conference, including those set forth in Fed. R. Civ. P. 26(f)(3):

The parties have proposed a period of discovery prior to conditional certification briefing, and have set the date for the opening brief more than 30 days from the date of the initial pre-trial conference, as the parties are currently engaged in potentially fruitful settlement negotiations. In recognition of the fact that under this Court's individual practices the opening motion for conditional certification would normally be due on March 30, 2015, rather than June 26, 2015, Defendants have agreed to toll the statute of limitations on the FLSA claims of any Wendy Williams intern who timely opts-in to this litigation for ninety (90) days.

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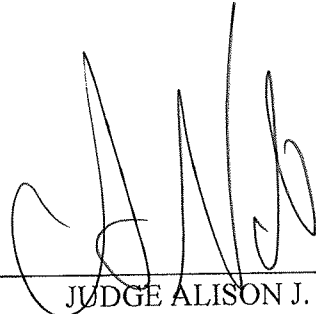
Except for the dates contained in ¶ 8 above, this Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein shall be made in a written application in accordance with Court's Individual Rules and shall be made no fewer than two (2) business days prior to the expiration of the date sought to be extended. Absent exceptional circumstances, extensions will not be granted after deadlines have already passed. Ongoing settlement discussions do not extend any date herein unless expressly ordered by the Court.

The next Case Management Conference is scheduled for 6/19/15 at 11:00am.

SO ORDERED.

Dated: \_\_\_\_\_

2/27/15  
New York, New York

  
\_\_\_\_\_  
JUDGE ALISON J. NATHAN  
United States District Judge